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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/153,631 09/15/98 YOUNES

K ROKWELL.036A

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EXAMINER

OPSASNICK, M

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/153,631

Applicant(s)

Younes

Examiner  
Michael N. Opsasnick

Art Unit  
2645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 15, 1998
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4,6 20) ☐ Other:

Art Unit: 2645

### DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,8-12-19,21-27-33,35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden et al (5885003).

As per claims 1,8,9,18,19,27,29,30,37, Ladden et al (5885003) teaches a wireless communication system (abstract) comprising:

“a base station which transmits signals” as bss (Fig. 1)

Application/Control Number: 09/153631

Art Unit: 2645

"a mobile unit.....speech coder" as mobile station having codec A and codec B (Fig. 2 subblocks 200-202)

"a signal strength detector.....mobile unit....a code selector which directs the mobile unit.....quality of the signals" as sensing the quality of the signal and sending messages to switch to an alternated codec if the quality is poor (col. 5 lines 30-38).

Ladden et al (5885003) fails to explicitly state "when the quality exceeds predetermined levels". It would have been obvious to one of ordinary skill in the art of speech processing that Ladden et al (5885003) teaches a quality measurement exceeding predetermined levels because Ladden et al (5885003) teaches the concept of using a quality sensor that determines if speech is of a certain quality, and to make that determination step inherently teaches a measurement of speech quality compared to a certain limit, or threshold.

As per claims 2,10,15,31,33 Ladden et al (5885003) teaches switching from one codec to the other when speech quality is poor (col. 5 lines 30-38); and user control of switching (col. 4 lines 3-5).

As per claims 3-5,11,12,23-25,26,38 Ladden et al (5885003) teaches coder selector bypass (Fig. 3, subblock 303,306, and 309), bit exact and non-bit exact coders (one codec is for speech, the other for speech recognition --> col. 3 lines 19-24), first and second coders are compatible (both codec are related to speech, col. 3 lines 25-41),

Art Unit: 2645

As per claim 6,16,17, Ladden et al (5885003) teaches frame bit error and parity check (inherent in the telecommunication protocols --> col. 2 lines 50-59).

As per claims 13,14,21,22,28,32,36, Ladden et al (5885003) teaches switching between a speech recognition system versus simple voice communications (col. 3 lines 19-24), but fails to explicitly state power and processor loading conservation. It would have been obvious to one of ordinary skill in the art of speech processing that Ladden et al (5885003) teaches power and processor loading conservation because Ladden et al (5885003) teaches the switching between a simple speech codec and a more complicated (and therefore more power, processor consuming) speech recognition codec, and the switching to a simpler speech codec after the use of a more complicated codec inherently teaches the desire to switch to a system that requires less power and processing.

4. Claims 7,20, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden et al (5885003) in view of Wheatley, III (5469471).

As per claims 7,20, and 34, Ladden et al (5885003) does not explicitly teach power and adjustment level techniques. However, Wheatley, III (5469471) teaches power measurement and dynamic power control in a mobile unit (Fig. 3). Therefore, it would have been obvious to one

Art Unit: 2645

of ordinary skill in the art of speech processing to modify the teachings of Ladden et al (5885003) with power measurements and adjustment of levels because it would advantageously allow the unit to maintain a proper power level as channel conditions change (col. 2 lines 48-52).

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yano (5630220)

Shlomot et al, "Hybrid Coding of Speech at 4KBPS"

Diez-del-Rio et al, "Secure Speech and Data Communications over the PSTN"

Mano et al, "Design of Pitch Synchronous Innovation CELP Coder for Mobile Communications"

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

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Art Unit: 2645

"PROPOSED" or "DRAFT" on the front page of the  
communication, and do NOT sign the communication.

Hand-delivered responses should be brought to Crystal  
Park II, 2021 Crystal Drive, Arlington. VA., Sixth  
Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Michael Opsasnick, telephone number (703)305-4089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone  
number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this applications should  
be directed to the Group receptionist whose telephone number is (703)305-3900.

May 19, 2001  
mno

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



Art Unit: 2645

### DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-6,8-12,15-19,23-27,29-31,33,35,37,38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladden et al (5885003).

As per claims 1,8,9,18,19,27,29,30,37, Ladden et al (5885003) teaches a wireless communication system (abstract) comprising:

“a base station which transmits signals” as bss (Fig. 1)



Art Unit: 2645

“a mobile unit.....speech coder” as mobile station having codec A and codec B (Fig. 2 subblocks 200-202)

“a signal strength detector.....mobile unit....a code selector which directs the mobile unit.....quality of the signals exceeds predetermined levels” as sensing the quality of the signal and sending messages to switch to an alternated codec if the quality is poor (col. 5 lines 30-38).

As per claims 2,10,15,31,33 Ladden et al (5885003) teaches switching from one codec to the other when speech quality is poor (col. 5 lines 30-38); and user control of switching (col. 4 lines 3-5).

As per claims 3-5,11,12,23-25,26,38 Ladden et al (5885003) teaches coder selector bypass (Fig. 3, subblock 303,306, and 309), bit exact and non-bit exact coders (one codec is for speech, the other for speech recognition --> col. 3 lines 19-24), first and second coders are compatible (both codec are related to speech, col. 3 lines 25-41),

As per claim 6,16,17, Ladden et al (5885003) teaches frame bit error and parity check (inherent in the telecommunication protocols --> col. 2 lines 50-59).

Art Unit: 2645

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13,14,21,22,28,32,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden et al (5885003).

As per claims 13,14,21,22,28,32,36, Ladden et al (5885003) teaches switching between a speech recognition system versus simple voice communications (col. 3 lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing that Ladden et al (5885003) teaches power and processor loading conservation because Ladden et al (5885003) teaches the switching between a simple speech codec and a more complicated (and therefore more power, processor consuming) speech recognition codec, and the switching to a simpler speech codec after the use of a more complicated codec inherently teaches the desire to switch to a system that requires less power and processing.

Art Unit: 2645

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### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Art Unit: 2645

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May 16, 2001  
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